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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,629	05/09/2006	Kanichi Sato	112780-055	1402
43793 7590 08/13/2007 EVEREST INTELLECTUAL PROPERTY LAW GROUP P. O. BOX 708 NORTHBROOK, IL 60065			EXAMINER HERNANDEZ, MICHAEL	
			ART UNIT 3612	PAPER NUMBER
			MAIL DATE 08/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/578,629	SATO, KANICHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mike Hernandez	3612	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/9/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 9 and 10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/21/2007.

### *Information Disclosure Statement*

2. The information disclosure statement filed 3/6/2007 has will not be considered as the references were already submitted in the IDS filed 5/9/2006.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 5 and 8 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "and/or" in claim 5 is a relative term which renders the claim indefinite. The term "and/or" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim 8 is written in independent form, however maintains partial dependency upon any of claims 1 to 3. Claim 8 is inherently confusing as it is not clear if the "panel body" includes the rib, hollow portion and/or noise absorption layer of claim 1. Since the materials of claim 1 are not defined, the claim could reasonably be read as a three part

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laminate. Since applicant did not invent such a structure, the claim is clearly not written as intended. Further, it is suggested that the claim be rewritten in independent form to include all of the limitations of the claims for which partial dependency is currently claimed. For example, "A panel forming body comprising an interior material of an operator's cab for a work machine, wherein the interior material comprises...."

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1 through 8 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Japanese Pat No 63-188544 to Tokunaga et al. in view of Japanese Pat Pub No 2001-260146 to Furukawa et al.

Regarding claims 1 and 8, Tokunaga et al. shows (Fig 4) an interior material, which is a panel forming body of a vehicle comprising at least a structure member 11 and a noise absorption layer 14, wherein the structure member has at least one rib 12 which is formed on the inside surface of a base portion thereof and comes into intimate contact with an inside surface of an exterior material 13, a hermetically sealed hollow portion is formed by the rib in intimate contact with the exterior material.

Tokunaga et al. fails to disclose the noise absorption layer being disposed on the outside surface of the structure member.

Furukawa et al. teaches (Fig 1) an interior material of a vehicle comprising a noise absorption layer 2 disposed on an outside surface of the structure member 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device described by Tokunaga et al. with a noise absorption layer on the exterior surface, as taught by Furukawa et al., in order to provide extra dampening to the material.

As to claim 2, Tokunaga et al. shows the inside surface of the structure member and a part of the surface of the rib are provided with the noise absorption layer.

As to claim 3, Tokunaga et al. discloses the inside surface of the structure member confronting the exterior material is provided with the noise absorption layer.

As to claims 4 and 5, Furukawa et al. teaches (Para 0016) the structure member 1 is made of an ABS resin and the noise absorption layer is made of foaming urethane of PE resin.

As to claim 6, Furukawa et al. teaches (Para 0027) a surface clad material 3 is attached to a surface of the noise absorption layer opposite the structure member side.

As to claim 7, it is well known in the art to treat surface materials with dirt prevention solutions, such as 'Scotchguard', and therefore would have been obvious to one of ordinary skill in the art at the time of invention to do so.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References A through L disclose similar subject matter regarding

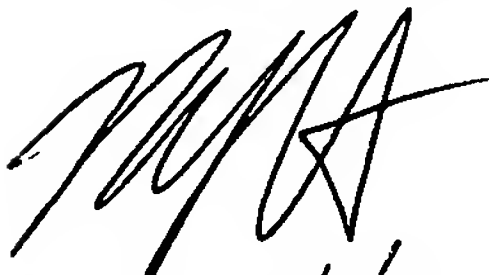
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noise absorbing panels, most of which are for use in automobiles and provide motivation for use in work vehicles.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Hernandez whose telephone number is 571-272-2354. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
MJH 8/8/07

  
DENNIS H. PEDDER  
PRIMARY EXAMINER  
AV 36.2 8/8/07